

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12897 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- DIDARGANJ District- Patna

Kapil Deo Singh, Son of Shiv Tahal Singh, A resident of Village- Mahuli,
P.S.- Deedarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Deedarganj P.S. Case No. 220 of 2021
registered for the alleged offences under Sections 302 and
201/34 of the Indian Penal Code.

As per prosecution case, the dead body of the
mother of the informant was recovered near the boundary wall
of the newly constructed house of one Meghnath Prasad. The
informant reported that they have old enmity with the family
of co-accused Chirkut Kumar, who has been absconding from



his house after the alleged occurrence and the petitioner alongwith his co-accused brother Chirkut Kumar and other unknown persons committed murder of his mother.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye-witness to the alleged occurrence. The name of the petitioner has been given in this case merely on suspicion as he is the next door neighbour of the informant. No recovery of any incriminating article has been made from the possession of the petitioner or at his instance. Recovery of some arms have been shown from the house of the petitioner but neither they belong to the petitioner nor they were used in the alleged occurrence. There is no direct or indirect evidence to connect the petitioner with the offence as alleged. The petitioner is in custody since 25.10.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR and he is having criminal antecedents and recovery of a blood stained shirt has been made from his house.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material against the petitioner to connect him with the offence as alleged and also considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna City in connection with Deedarganj P.S. Case No. 220 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

